

of, and of the value of each; and to the said commission there shall be annexed, as usual, an oath of office.

And it is further decreed, that the said John Diffenderffer render a full and true account of the rents and profits of the property, in the proceedings mentioned, during the whole time the same has been, or may remain in his possession, or under his control. That the auditor state the account relative thereto from the evidence in the cause, and such other evidence as may be taken by either party before the commissioners Benjamin C. Ridgate and William Magruder of the City of Baltimore, on giving two days notice as usual; provided, that the same be taken and filed in this case on or before the fifth day of July next.

A commission was issued as directed by this decree; upon which the commissioners made a return, that they had made a partition \* of all the property in the proceedings mentioned as described; except the lot of ground at the corner of Baltimore and Calvert streets in the City of Baltimore, which would not, in their opinion, admit of division, and that the interests of the parties required, that it should be sold. Whereupon the parties, by an agreement in writing, consented that it should be sold as recommended. **180**

BLAND, C., 26th July, 1828.—Decreed that the lot of ground at the corner of Baltimore and Calvert streets, as mentioned in the return of the commissioners, be sold; that John Glenn and George Winchester be appointed trustees to make the sale, &c. the terms of which shall be, one-fifth part of the purchase money to be paid in sixty days from the day of sale, the other four-fifths within six, ten, fourteen, and eighteen months from the day of sale, with interest on each instalment from the day of sale, to be secured by bonds with approved surety, &c.

Under the decree of the 7th of April, the parties took; and, on the 2nd of September returned the depositions of sundry witnesses, and among them, that of the defendant John Diffenderffer, who consented to be examined as a witness on behalf of the plaintiffs. And the trustees, under the decree of the 26th of July reported, that they had made sale of the lot of ground, therein mentioned, to John Clarke for the sum of \$27,200; which sale, after publication of the usual order unless cause shewn, was absolutely ratified on the 25th of November, 1828. And the distribution of the proceeds thereof, as stated by the auditor, was ratified on the 10th of December of the same year.

BLAND, C., 13th October, 1828.—Decreed, that the return of the commissioners and the partition by them made be and the same is hereby ratified and confirmed.